

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

DARRYL MURPHY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 1:09-CV-76 (WLS)
	:	
CERT TEAM, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Claude W. Hicks, Jr., filed November 16, 2009. (Doc. 22). It is recommended that Defendants' Motion to Dismiss Complaint With Prejudice for Want of Prosecution (Doc. 18) be granted, and that the above-captioned action accordingly be dismissed. (Doc. 22 at 2).

The Report and Recommendation expressly stated that "the parties may file written objections to this recommendation with the Honorable W. Louis Sands, United States District Judge, WITHIN TEN (10) DAYS of receipt thereof." (*Id.*) (emphasis in original). This ten-day period expired on Monday, November 30, 2009, due to application of Federal Rules of Civil Procedure 6(a) and (d). The Docket shows that no objection had been filed by that date, nor has an objection been filed at anytime since. (*See generally* Docket). This is so despite the fact that this Court, by its Order of March 3, 2010, extended the time for the Parties to file a written objection to Monday, March 22, 2010. (Doc. 25). The Court's Order expressly notified the Parties that "[i]f no written objection is filed by that date, then the Court will issue a ruling on Judge Hicks's Report and Recommendation (Doc. 22) as the record currently stands." (*Id.* at 2).

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 22) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendants' Motion to Dismiss Complaint With Prejudice for Want of Prosecution (Doc. 18) is **GRANTED**, and the above-captioned action is **DISMISSED WITH PREJUDICE**.

SO ORDERED, this 23rd day of March, 2010.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**